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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,677	07/13/2001	Gordon Nelson	265/115 P01-0039	7136
34055	7590	07/29/2004		
PERKINS COIE LLP POST OFFICE BOX 1208 SEATTLE, WA 98111-1208			EXAMINER BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/905,677

Applicant(s)

NELSON ET AL.

Examiner

Thomas J. Brahan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. Claim 22 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention. Election was made without traverse in the reply filed on April 12, 2004.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

4. Claims 1, 2, 6-9, 11-13 and 17-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Blahnik. Blahnik shows a processor comprising;

a process chamber (35);

a door system for opening and closing the process chamber, with the door system comprising:

a mounting plate (25) having first and second legs (20) joined on opposite sides of a center section having a height H, with at least one of the first and second legs having a height less than H;

an actuator (25) on the mounting plate; and

a seal plate (21a or 23a) attached to the actuator and moveable by the actuator to engage the process chamber to close the process chamber, and with the seal plate moveable by the actuator away from the process chamber, to open the process chamber.

Blahnik has a cover (15) as recited in claims 2, 9, 11 and 17. The embodiment of figure 6 has circular mounting plates (43a-43b) as recited in claims 6 and 18. The heights of the legs are less than 60% or 80% of the

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height of the center section, as recited in claims 7 and 8. Blahnik has a lift actuator (17) as recited in claim 11. The valves are aligned in front of the various chambers, see figure 8, as to have alignment means, as recited in claim 20.

5. Claims 1, 2, 4-6, 9-15 and 17-21 are rejected under 35 U.S.C. § 102(b) as being anticipated by Owczarz et al. Owczarz et al shows a processor comprising:

- a process chamber (21);

- a door system for opening and closing the process chamber, with the door system comprising:

- a mounting plate (support plate 30, first piece 32, or annular mounting piece 35) having first and second legs (46) joined on opposite sides of a center section having a height H, with at least one of the first and second legs having a height less than H;

- an actuator (29) on the mounting plate; and

- a seal plate (70) attached to the actuator and moveable by the actuator to engage the process chamber to close the process chamber, and with the seal plate moveable by the actuator away from the process chamber, to open the process chamber.

Owczarz et al has a cover (30 or 31, depending upon which element is considered as the mounting plate) as recited in claims 2, 9, 11 and 17. Cover (31) can be considered cosmetic and can be removed as recited in claim 10. The lift actuators are pneumatic with magnetic followers (55) as recited in claims 4, 5, 14 15, and 20. Mounting plates (32 or 35) are circular, as recited in claims 6 and 18.

6. Claims 3 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blahnik in view of Massey et al. Blahnik shows the basic claimed processing system, as detailed above, but varies from claims 3 and 16 by not having sensors on the doors. Massey et al shows a similar door seal (170) with a monitoring gauge, see column 6, lines 11-16. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of Blahnik by providing its seals with gauges, to monitor their sealing, as taught by Massey et al.

7. Claims 3 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Blahnik or Owczarz et al in view of Madocks et al. Blahnik and Owczarz et al show the basic claimed processing system, as detailed above, but vary from claims 3 and 16 by not having sensors on the mounting plate legs. Madocks et al shows a similar door seal with sensors (100 and 102) mounted on mounting plate legs (brackets 103 and 105). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door of Blahnik or of Owczarz et al by providing their legs with sensors, to monitor their sealing, as taught by Madocks et al.

8. Malmstrom et al, Glants, and Tabrizi et al are cited as showing process chambers with seals and seal

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actuators. Mooring et al and Boyd et al show process chamber doors with sensors.

9. An inquiry concerning this communication should be directed to Thomas J. Brahan at telephone number (703) 308-2568. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for all patent applications is (703) 872-9306.

*Th. J. Brahan* 7/25/04

Thomas J. Brahan  
Primary Examiner  
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